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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/921,851
Filing Date	August 3, 2001
First Named Inventor	Gary K. Michelson, M.D.
Group Art Unit	3738
Examiner Name	B. Snow
Attorney Docket Number	101.0084-02000

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**Note:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

10/15/2003 SBRPCE  
01 FC-1801

☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_

Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

### b. ☒ Enclosed

i. ☒ Amendment/Reply with Transmittal in duplicate

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS) with Form PTO-1449

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1066

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Amedeo F. Ferraro	Registration No. (Attorney/Agent)	37,129
Signature		Date	9-12-03

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop: RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name	
Signature	Date

FORM PTO-1083

PATENT  
 Attorney Docket No.: 101.0084-02000  
 Customer No. 22882

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/921,851

Filed: August 3, 2001

For: SPINAL IMPLANT SURFACE  
 CONFIGURATION

Group Art Unit: 3738

Examiner: B. Snow

Confirmation No. 8299

Mail Stop: RCE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a reply to the Office Action dated March 12, 2003 in the above-identified application.

☒ Applicant hereby requests a three (3) months extension of time to respond to the above office action.

The fee has been calculated as shown below:

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR		(Col. 3) PRESENT EXTRA*	LG \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	54	-	22	=	32	LG=\$18	\$18	\$ 576
INDEPENDENT CLAIMS FEE	4	-	3	=	1	LG=\$84	\$84	\$ 84
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS						LARGE ENTITY FEE = \$280		\$
Three Months Extension Fee (LG. Entity)								\$ 930
TOTAL								\$1,422

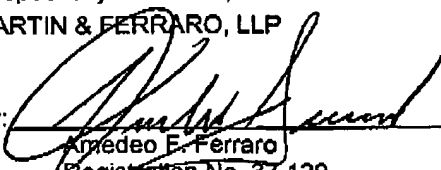
☒ The amount of \$1,422.00 to cover the above fee is to be charged to Deposit Account No. 50-1066.☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1066. A copy of this sheet is enclosed.☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
 MARTIN & FERRARO, LLP

Date:

9-12-03

By:

  
 Amedeo F. Ferraro  
 Registration No. 37,129  
 Attorney for Applicant

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**FACSIMILE TRANSMITTAL**

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**TO:**

Name: Examiner B. Snow

Firm: U.S. Patent & Trademark Office

Fax No.: 703-872-9302

Subject: U.S. Patent Application No. 09/921,851

Filed: August 3, 2001

For: Spinal Implant Surface Configuration

Attorney Docket No. 101.0084-02000

Confirmation No. 8299

Customer No. 22882

**FROM:**

Name: Amedeo F. Ferraro, Esq.

Phone No.: 330-877-2030

No. of Pages (including this): 25

Date: September 12, 2003

Confirmation Copy to Follow: No

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**Message:**

**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the attached:

1. Request for Continued Examination in duplicate (RCE) (\$750 RCE fee charged to Deposit Account No. 50-1066)
2. Amendment with Transmittal in duplicate (\$1422 additional claims fee and three months extension fee charged to Deposit Account No. 50-1066)

are being facsimile transmitted to the U.S. Patent and Trademark Office on September 12, 2003.

  
Anita Chou

If there is a problem with this transmission please call Anita Chou at 310-286-9800 or the sender at the number above.

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